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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,702	07/02/2003	Girish P. Chandranmenon	Chandranmenon 2-2-9-12-2	5036
46363	7590	02/11/2009	EXAMINER	
WALL & TONG, LLP/ ALCATEL-LUCENT USA INC. 595 SHREWSBURY AVENUE SHREWSBURY, NJ 07702			DOAN, KIET M	
			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			02/11/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/613,702	Applicant(s) CHANDRANMENON ET AL.	
	Examiner KIET DOAN	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,6,8,10,11,18,20 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,4,12,14,16,17 and 22 is/are allowed.
- 6) ☒ Claim(s) 5,6,8,10,11,18,20 and 23 is/are rejected.
- 7) ☒ Claim(s) 6, 8, 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 5, 18 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 8, 20, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linder et al. (US 2002/0194385 A1) in view of Michaelis et al. (US 2004/0009751 A1) and further view of Dharmadhikari et al. (US 2003/0065816 A1).

Consider **claim 5, 18 and 23**. Linder teaches a method of operating a mobile node and a computer readable medium, encoded with computer code, the method comprising the steps of:

Identifying at least two available interfaces for communications by the mobile node (Fig.1 show mobile contain at least two network interfaces 14-17). **Linder fails to explicitly teach**

determining a plurality of characteristics of each of the network interface, wherein the characteristics for each network interface including signal strength value for the network interface and user priority value indicative of a preference of a user of the mobile node for the network interface relative to other network interface;

selecting one of the network interfaces based on the characteristics of the respective network interface, wherein a weight applied to the user priority value for each network interface depends on the respective signal strength for the network interface; and communicating by way of the selected network interface

Michaelis teaches selecting one of the network interfaces based on the characteristics of the respective network interface (Paragraphs [0007]), wherein a weight applied to the user priority value for each network interface depends on the respective signal strength for the network interface; and communicating by way of the selected network interface (Paragraphs [0022-0023], [0033], [0051]).

Therefore, it would have been obvious at the time that the invention was made to modify Linder with Michaelis's system, such that identifying at least two available interfaces for communications by the mobile node, selecting one of the network interfaces based on the characteristics wherein the characteristics including signal strength value and user priority value to provide means for improve the security by selecting the highly priority interface with strong signal strength.

However, the combination of **Linder and Michaelis explicitly fail to teach** determining a plurality of characteristics of each of the network interface, wherein the characteristics for each network interface including signal strength value for the network interface and user priority value indicative of a preference of a user of the mobile node for the network interface relative to other network interface.

In an analogous art, **Dharmadhikari teaches** determining a plurality of characteristics of each of the network interface, wherein the characteristics for each

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network interface including signal strength value for the network interface and user priority value indicative of a preference of a user of the mobile node for the network interface relative to other network interface (Abstract, Paragraphs [0028-0029], [0044] teach characteristics of the network interface including signal strength).

It would have been obvious at the time that the invention was made to modify Linder and Michaelis with Dharmadhikari's system, such that determining a plurality of characteristics of each of the network interface including signal strength value in order to provide the fastest switching and selecting the network connection without interruption the communication.

Consider **claim 20**. The combination of Linder and Michaelis and Dharmadhikari teach the mobile node of claim 18. Further, Linder teaches wherein the selecting means includes hysteresis (Paragraph0011-0012] Fig.1 show plurality of interfaces for the users to select/change between networks and allow the mobile devices to change networks which read on selecting means including hysteresis).

3. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Linder et al. (US 2002/0194385 A1) in view of Michaelis et al. (US 2004/0009751 A1) in view of Dharmadhikari et al. (US 2003/0065816 A1) and further view of Ayyagari et al. (US 2002/0176366).

Consider **claim 10**. The combination of Linder and Michaelis and Dharmadhikari teach the method of claim 5, **but is silent on** wherein a weight coefficient of zero is

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applied to the user priority value for each network interface having a signal strength below a respective threshold value for that network interface.

In an analogous art, Ayyagari teaches “System and method for achieving zero-configuration wireless computing and computing device incorporating same”. Further, **Ayyagari teaches** wherein a weight coefficient of zero is applied to the user priority value for each network interface having a signal strength below a respective threshold value for that network interface (Abstract, Paragraph [0014], [0061-0062]).

Therefore, it would have been obvious at the time that the invention was made to modify Linder and Michaelis and Dharmadhikari with Ayyagari’s system, such that weight coefficient of zero is applied to the user priority value for each network interface having a signal strength below a respective threshold value for that network interface to provide means for priority for improve and maintain the connection of communication whenever the signal strength is indicated and calculated.

Allowable Subject Matter

Claims 6, 8 and 11 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1, 3, 4, 12, 14, 16, 17 and 22 are allow according to the applicant’s remarks file on 11/25/2008.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIET DOAN whose telephone number is (571)272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kiet Doan/
Examiner, Art Unit 2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617